

DRIVER LICENSE FORM AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Brian Zehnder

LONG TITLE**General Description:**

This bill requires completion of certain forms related to physical, mental, and emotional fitness to operate a motor vehicle upon application for a driver license.

Highlighted Provisions:

This bill:

- ▶ amends provisions requiring an applicant for a driver license to complete a form to disclose a physical, mental, or emotional condition that may affect the individual's ability to safely operate a motor vehicle;
- ▶ provides the medical portion of the form for a driver license applicant;
- ▶ requires a medical professional to evaluate certain applicants and complete a form in certain circumstances;
- ▶ provides a portion of the form for the medical professional to complete after the evaluation;
- ▶ allows the Medical Advising Board to amend the forms by unanimous vote and after a report to the Health and Human Services Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



Utah Code Sections Affected:

AMENDS:

53-3-303, as last amended by Laws of Utah 2010, Chapter 286

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53-3-303** is amended to read:**53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines for licensing impaired persons -- Recommendations to division.**

(1) There is created within the division the Driver License Medical Advisory Board.

(2) (a) The board is comprised of three regular members appointed by the Commissioner of Public Safety to four-year terms.

(b) The board shall be assisted by expert panel members nominated by the board as necessary and as approved by the Commissioner of Public Safety.

(c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(e) The expert panel members shall recommend medical standards in the areas of the panel members' special competence for determining the physical, mental, and emotional capabilities of applicants for licenses and licensees.

(3) In reviewing individual cases, a panel acting with the authority of the board consists of at least two members, of which at least one is a regular board member.

(4) The director of the division or his designee serves as secretary to the board and its panels.

(5) Members of the board and expert panel members nominated by them shall be health care professionals.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section **63A-3-106**;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The board shall meet from time to time when called by the director of the division.

(8) (a) The board shall recommend guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for licenses and for licensees.

(b) The guidelines and standards are applicable to all Utah licensees and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education.

(c) The guidelines and standards shall be published by the division.

(9) If the division has reason to believe that an applicant or licensee is an impaired person, it may:

(a) act upon the matter based upon the published guidelines and standards; or

(b) convene a panel to consider the matter and submit findings and a recommendation; the division shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

(10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify, cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or licensee may within 10 days of receiving notice of the action request in a manner prescribed by the division a review of the division's action by a panel.

(b) The panel shall review the matters and make written findings and conclusions.

(c) The division shall affirm or modify its previous action.

(11) (a) Actions of the division are subject to judicial review as provided in this part.

(b) The guidelines, standards, findings, conclusions, and recommendations of the board or of a panel are admissible as evidence in any judicial review.

(12) Members of the board and its panels incur no liability for recommendations, findings, conclusions, or for other acts performed in good faith and incidental to membership on the board or a panel.

(13) (a) [The] Except as provided in Subsection (15), the division shall provide [forms] a form including the information described in Subsection (13)(b) for the use of health care professionals in depicting the medical history of any physical, mental, or emotional impairment

affecting the applicant's or licensee's ability to drive a motor vehicle.

(b) The contents of the form provided to health care professionals shall include the following:

What medical condition or event is of concern?

In your medical opinion is the individual safe to continue to drive? (circle one or more as appropriate)

1. No

2. Yes (no restrictions on license and no requirement to complete this form in the future based solely on current medical condition)

3. Yes, safe to continue to drive, but does require follow up to reconsider this form. The next time this form should be required is in (circle or write in):

One year

Six months

Other interval

4. Yes, but would recommend the following restrictions on license (circle or comment):

Speed

Daylight only

Area driving only

Only when accompanied by another licensed driver

Other

5. Unclear if safe to drive, I would recommend a driving skills test

6. I would like to discuss with a representative of the Driver License Division or the Driver License Medical Advisory Board. I may be reached at:

Phone number

Email address

Other comment

(14) (a) (i) The division shall require each individual applying for a driver license to complete a form containing questions regarding physical, mental, or emotional conditions that may impact the individual's ability to safely operate a motor vehicle.

(ii) The medical portion of the form described in Subsection (14)(a)(i) shall be

121 substantially in the following form:

122 Do you have a medical condition that might cause you to suddenly lose consciousness
123 or otherwise lose control of the car?

124 1. No

125 2. Yes

126 If yes, what is the condition?

127 In the last 5 years have you had an automobile accident or lost control while driving
128 because of a medical condition?

129 1. No

130 2. Yes

131 If yes, what happened?

132 Do you have a diagnosis of seizures?

133 1. No

134 2. Yes

135 Do you use insulin to treat diabetes?

136 1. No

137 2. Yes

138 Vision:

139 Do you wear glasses or contact lenses for driving?

140 1. No

141 2. Yes

142 Is your visual acuity worse than 20/40 in the better eye, even with corrective lenses?

143 1. No

144 2. Yes

145 Do you have a degenerative or progressive eye condition?

146 1. No

147 2. Yes

148 Have you experienced a decrease in peripheral (side) vision?

149 1. No

150 2. Yes

151 (iii) Individuals who apply for or hold a license and have, or develop, or suspect that

they have developed a physical, mental, or emotional impairment that may affect driving safety are responsible for reporting this to the division or its agent.

~~[(ii)]~~ (iv) If there is uncertainty, the individual is expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until a clarification is made.

(b) Health care professionals who care for patients with physical, mental, or emotional impairments that may affect their driving safety, whether defined by published guidelines and standards or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.

(c) A health care professional or other person who becomes aware of a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the division in good faith has immunity from any damages claimed as a result of making the report.

(15) The board may modify the substantive, health-related portions of a form described in Subsection (13)(b) or (14)(a)(ii) if the proposed changes:

(a) receive a unanimous vote of the members of the board; and

(b) are presented in a report to the Health and Human Services Interim Committee.

Legislative Review Note
Office of Legislative Research and General Counsel